

In The United States District
Court For The Middle District Of Alabama
Northern Division

2007 MAR -7 A 9:17

David Allen #150171
Plaintiff,

-VS-
Gwendolyn Mosley et, Al.
Defendants

Case No: 2:06-CV-1020-T

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff's Response to Show

Cause as Per Court Order Dated Jan 9th 2007

Come Now, David Allen, Plaintiff, Proceeding Pro-Se in The Above
Styled Cause, And Files, This, Plaintiff's Response To Show Cause Why
This Case Should Not be dismissed for what this Honorable Court deems
A Submission of a forged Document.

Plaintiff Would Request That this Honorable Court refer back too
The plaintiff's Documents Marked "Exhibit C" Upon Information And
Belief

Plaintiff filed what "He Believed" of what would Be a Rendition
Only of what the Body Chart would look like, Based Upon, what He
told L PN Ms. Bush, And the way he felt.

Plaintiff Avers that he had absolutely NO intention of Trying to or attempting to deceive this Honorable Court, Nor defense Attorneys. While, Plaintiff Acknowledges Now, that it was Unwise to file Such a document, At the time of filing, Plaintiff "Thought" it was A good idea, to attempt to show the Court the extent of his injuries. There are Several things On the plaintiff's Body Chart Exhibit Which Matches the Body Chart Used and Produced By the defendants, to show, That the plaintiff was Only Attempting to show this Honorable Court how his Body felt. The Condition in which the plaintiff entered into the Segregation Cell, Compared to the Condition the defendant's Body Chart show the plaintiff as being is different as shown By The Affidavits of the plaintiff's Cell partners, Attached to plaintiff's Response to the Written Report.

Plaintiff Only has ~~the~~ The Original Affidavits, Which he Sends to This Honorable Court, And is Unable to Send a Copy to defendant's As plaintiff is in Disciplinary Segregation, And one witness is in population, And plaintiff is Not Sure where inmate Reginald Moore is At.

Wherefore, Premises Considered, Plaintiff Respectfully Prays That This Honorable Court Will Not dismiss Said Action, As The Body Chart filed as exhibit C" for Said Plaintiff Was Only As a "Rendition" Of What the Plaintiff "Believed" The Original Body Chart Would look like, And Also Based On the Way Plaintiffs Body felt, And the Constant Way it Hurt.

Plaintiff Meant in No Way to deceive this Honorable Court Nor defense Counsel, in Any Way, Shape Or form.

Dated. Jan 2007

Respectfully Submitted
Lincoln David Allen #150171
David Allen #150171 5A-11-Cell
ECF 200 Wallace Drive
Clio, Alabama 36017

Certificate of Service

On this the 1 day of January, 2007, I hereby Certify that I have placed in the Cell door of 5 Dorm Cell-11 ON A Side A True And Correct Copy of the foregoing ON:-
MS. Mary Goldthwaite, Attn At Law, Assistant Attorney General.
At 11 South Union Street Montgomery AL 36130,
With First Class Postage Affixed.

Lincoln David Allen #150171
David Allen

IN THE UNITED STATES DISTRICT
COURT FOR MIDDLE DISTRICT OF ALABAMA
David D. Allen #150171
Plaintiff
VS. Case: 2:06-CV-1020-MHT
Gwendolyn Mosley et al.
Defendants

State of Alabama]
County of Butler]
AFFIDAVIT

I, David Allen, The Plaintiff, hereby Swear that
the following Statement:

I, The plaintiff, David Allen, did not in no way try
to forge any document to this Honorable Court. The Court
[DOC NO. 15] Plaintiff's Exhibit C, to this Court, was
never submitted as a true medical document, but was
submitted to this Honorable Court as an Exhibit of what his
Body Chart should have looked like. The plaintiff Exhibit
C and the Defendant Exhibit C, submitted in their Special
Report, support what the plaintiff says his Body Chart
should look like.

The plaintiff ask this Honorable Court to look at both Body
Chart to see how the one submitted by nurse Bush is
incorrect. The physical Examination of nurse Bush ^{shows what} ~~what~~
the plaintiff submitted as to what his Body Chart should
look like is correct.

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The insurtes on the plaintiff Exhibit C, Support the physical Examination wrote by nurse bush. The plaintiff will like to point out the following error made by nurse Bush:

1). Nature of Injury or Illness: The nurse does not write anything down, but just write "S-DOC". This is not how a Body Chart is done.

2). Nurse Bush, did not on the picture of the men show all of his injuries. This is her own statement. "For DOC Body Chart, Redness noted to (L) side of lower back, it (L) side of upper Chest, Contusion noted to (L) upper eye lid laceration approx. 1 1/2 long noted behind (R) ear lobe Slight bleeding noted, peral noted C/O H/A. Even though she made these notes, she failed to listed it on the men picture on the right of the body Chart. This Body Chart was done with the intent to mislead this honorable Court on what happen to the plaintiff on 11/7/06.

3). The only way this Body Chart submitted by nurse Bush would be correct is if the plaintiff was unable to talk when he came to HCU on 11-7-06.

On the men in the right of Exhibit C, that the plaintiff submitted, shows that the plaintiff had a Busted ear, but nurse Bush don't mark this on the body chart she did, even though in her physical examination she wrote it down. The plaintiff's Body Chart shows that he had swollen on the left side of his body. This was correct, because nurse Bush marked it on the Body Chart she did. This is correct, because he had four broken ribs. The plaintiff Exhibit C, show that he actually had swollen to upper right side of his chest. This is the same that nurse Bush marked on her Body Chart.

The plaintiff request that his body chart be made a part of his record, because this is how he actually looked on 11-7-06. The plaintiff would take a Polygraph test to show this Honorable Court that he is correct on what his Body Chart should have look like.

The plaintiff did response to the Court order entered on January 9, 2007 and placed a copy of it into Easterling Corr. Fac. Mail box on January 2007. But somehow it was never mailed out. However under the mail box rule a prison mail is filed once it is given to the prison Authority. See *Houston vs. Lack* 487 U.S. 266, 270, 276, (1988).

Therefore the plaintiff prays that this honorable Court does not dismiss his case for submission of forged documents, because the document he submit as Exhibit C, was never submitted as true document from any nurse, but was submitted as to what his Body Chart should have looked on 11-7-06.

I hereby do swear that the following is true and correct to the best of my knowledge. Pursuant to 28 U.S.C. Section 1746, I, David Allen, do hereby sign under the penalty of perjury that the foregoing is true and correct, on 3-6-07.

Lincoln David Allen #150171
David Allen 150171